



David B. Cohen  
Mayor

# CITY OF NEWTON, MASSACHUSETTS

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## CONSERVATION COMMISSION MEETING

Minutes  
November 15, 2007  
Beginning at 7:30 p.m.  
Room 209, City Hall

**MEMBERS PRESENT:** I. Wallach, Chair, R. Matthews, S. Lunin, D. Dickson, N. Richardson; Associates: J. Hepburn

**MEMBERS ABSENT:** R. Freed, Associate: D. Green

**MEMBERS OF THE PUBLIC:** See attached sign-in sheet.

Meeting opened at 7:40pm.

**Charles River Water Chestnut harvesting** – NOI for Charles River Lakes Region Water Chestnut harvesting – continued for file number.

**Meeting:** Commission passed motion at 10-27-07 meeting to approve project and issue OOC, once file number received. File # received with no negative comments and only need signatures on Order. Members signed.

**Dolan Pond** – proposed Eagle Scout project by Hal Bronk

**Report:** Mr. Hal Bronk (his father, Mr. Harold Bronk also present) presented his idea for a path and picnic area between the Habitat houses and the main Dolan Pond conservation area, and is seeking guidance and permission from the Commission.

**Meeting:** Mr. Bronk described his idea to create a path to overlook the wetland and maybe put in a picnic bench. The work would be done by scouts/volunteers. The Commission asked Mr. Bronk to develop a sketch plan, address their questions (how close to the trees will the path be and will trees need to be trimmed, etc.), and report back to them. D. Dickson suggested that, if a picnic bench is put on the property, that it might be appropriate to have a plaque on it to acknowledge the donor of the land for which the pond [Irene's Pond] is named. The Commission also asked Mr. Bronk to contact and discuss project with the Newton Conservators and provide a letter of support from them, and to seek support from other individuals or community groups.

**128 Cabot Street** – NOI for foundation repair and install new basement entrance in flood zone – continued

**Report:** I have received no new information from applicant, nor has engineering.

**Meeting:** Owner, Mr. Robert Young, brought in new plan showing more elevations around the house, as previously requested. The Commission asked Mr. Young to have his engineer meet with the city engineer and try

### Conservation Commission

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to calculate the amount of flood storage volume that would be lost by completing/enlarging the retaining wall, the amount of pavement previously removed from the site (which may provide some compensatory storage volume, and where and how additional compensatory storage volume could be provided, if needed. Owner agreed to continue to December 20<sup>th</sup>.

**32 Williams Street** – NOI for demolition of existing house and construction of a two-family house in the 100 ft buffer zone to bordering vegetated wetland and in the 200 riverfront to the Charles – continued

**Report:** I have received no new information from applicant, but applicant wants to remain on the agenda.

**Meeting:** Mr. Ruti Robart (purchaser of property) acknowledged receipt of the review comments from engineering and his consultant is trying to address the concerns of engineering. He agreed to continue to December 20<sup>th</sup>.

**1370 Beacon Street** – RDA for kitchen extension and extension of existing porch and existing entry in the 100 ft buffer to bank for intermittent stream.

**Report:** This is a small project that will add less than 200 sf of roof area in existing lawn area, more than 50 ft from the bank. There is a tiny slope toward Allen Avenue and Beacon St. from the area of proposed work. Owner has not decided whether to install a concrete foundation or to put new work on pilings. Applicant should prevent sediment from entering the street and nearby storm drains.

**Meeting:** Owner, Rebecca Cohen was present and described the project. Stream is intermittent and is piped prior to leaving the property in pipe under Beacon Street. Lot is flat. Planner suggested a tarp for any soil piles near the street to prevent soil getting into storm drains. Owner agreed. **R. Matthews moved to issue a negative determination on the work. Motion seconded by S. Lunin. Vote: All approved. Motion passed.**

**1 Boylston Street** (Star market)-RDA for change in drainage hook-up to 30" culvert in the 100 ft buffer zone to bordering vegetated wetland and in the 100 ft buffer zone to Hammond Pond.

**Report:** All proposed work is out of the 100 ft buffer zone to Hammond Pond and any bordering vegetated wetland along its edge. However, storm water previously put into the city's which drains to Hammond Pond is being re-routed through a settling (detention) basin before it goes into the pipe and into Hammond Pond. The run-off consists of both roof run-off and parking lot run-off, and will be treated to meet state storm water standards for TSS and run-off rate.

**Meeting:** Frank Stearns, Jennifer Viarengo (Appledore Engineering), And Gregory Rollo were present to represent Star Market and describe the project. The only work within Conservation jurisdiction is the re-siting of the hook-up to the 30" culvert from a location outside the 100 ft buffer to a location within the 100 ft buffer (approximately 90 ft from the pond), and addition of appropriately-sized rip rap to the outfall of the 30" pipe at the edge of the pond. Water from the parking lot will be treated by a Vortech unit to remove total suspended solids (and skim off floating hydrocarbons), and the combined flow from the parking lot and roof run-off will be directed through an underground detention basin to reduce the flow rate. Almost-daily sweeping of the parking lot is also planned to help improve water quality of the discharge to Hammond Pond. **Motion by N. Richardson to issue a negative determination on the work. Seconded by R. Matthews. Vote: All in favor. Motion passed.**

**Ms. Lois Levin** – re swimming pool water in city storm drains

**Planter's Report:** Ms. Levin reports she has observed water from swimming pool(s) being drained into city storm drains.

**Meeting:** Ms. Levin works (pro-bono) for Green Decade and writes for the Newton TAB. She reported there are 911 swimming pools (754 in-ground pools) in Newton, and that many drain their water to the City's storm drains. She asked whether the Conservation Commission has any rules or restrictions on this practice, and whether the City needs an ordinance to prevent it. She has corresponded with Maria Rose, Environmental Engineer for the City, as well. One suggestion is to write an educational insert to put with the water bills when they are mailed out.

## Violations

### 1203&1211 Washington – Report & further directives?

**Meeting:** Staff reported that Mr. Donato's attorney did not want to record the Order until some errors in the Order were corrected and some language added regarding the roof run-off (which is presently draining directly into the brook, and which was not addressed in the Commission's Order). The Order does not change the requirements on this discharge. The Commission had ratified the Enforcement Order and stipulated that they would likely add to the Order in a follow-up letter directing additional work as mitigation for the violation. The Commission directed that two courses of action would be required as mitigation: 1) DPW shall be required to schedule classes to better inform DPW personnel when 21E requirements were applicable and what actions should be taken by city workers to ensure compliance, and 2) applicants shall come back with a plan to mitigate the damage done to invertebrate populations by siltation of the Brook and from toxic effects of the oil (perhaps by placing suitably-sized rocks on the substrate to act as habitat). There was unanimous consent of the Commission on this directive for mitigation.

### 15 Harwich – Report on meeting scheduled for 11-8-07 with Mr. Feinberg and any progress

**Meeting:** The Commission ratified the Enforcement Order by signing. Staff reported that a meeting was held with the owner, Engineering, Planning and Inspectional Services personnel. The owner was advised he needs two additional permits from engineering for the work he has done, including a performance bond, and that he has trespassed onto Conservation –managed land owned by the city (part of an in-ground sprinkler system extends from 15 Harwich onto City land, as determined by the City's surveyor). The owner will be given two weeks to correct these violations or the Commission approves having the law department record the Enforcement Order if the owner has not come into compliance by that time.

### 21-23 Cross St – plans still not ready for filing;

**Meeting:** Mr. Porter, the engineer who is drawing up the plans is still running behind.

### 160 Pine St – Gazebo Condos – waiting for filing

**Meeting:** Staff reported that no further communication has come from the condominium management since meeting with them about 3 months ago. Staff will write another letter to them.

### 93 Andrew St –working to resolve.

**Meeting:** Staff reported that the issues to be resolved are relatively minor.

### 35 Kingswood St.- owner planted blueberries

**Meeting:** Staff reported that the owner informed her he had planted 16 more blueberries. They will be inspected next spring, prior to sign-off.

## Certificates of Compliance - none

## Announcements & General Business:

**Boylston St. Condo** – The attorney for BC, the owners of one unit and their attorney, the contractor, Anne and Frank Nichols (Engineering) met at the site to discuss proposed work- Report.

**Meeting:** Work will begin when the erosion and sediment control measures have been checked and OK'd by staff and the Health Dept. has given a go-ahead.

Non-criminal ticketing- Anne is checking into this.

Dolan Pond invasive vegetation project – Anne reported there are Scouts (and others) interested in removing invasive vegetation in the area of Dolan Pond (and other areas). The consensus of the Commission is that no work should be done without filing with the Commission.

October 25, 2007 Meeting Minutes for approval – **Motion by R. Matthews to approve minutes. Seconded by E. Wallach. Vote: All approved. Motion carried.**

Outstanding issues – discussion

**Meeting:** Nothing at this time.

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner

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